

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CELESTE SPICER, AUTUMN BURGESS,
AMY LEDIN, JOSEPH RUSSO, ESTHER
MARTINEZ, LYSETTE ROMAN, and SERENA
SIYING HUI, on behalf of themselves and
others similarly situated,

Plaintiffs,

v.

PIER SIXTY LLC, and JAMES KIRSCH,

Defendants.

SAND, J.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9-14-2010

MEMORANDUM
& ORDER

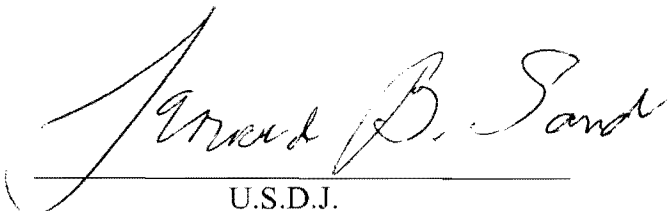
08 Civ. 10240 (LBS)

Defendants have moved for this Court to certify its July 26, 2010 Order pursuant to 28 U.S.C. § 1292(b) for ultimate certification to the New York Court of Appeals the question whether the decision in *Samiento v. World Yacht Inc.*, 10 N.Y.3d 70 (N.Y. 2008) should be applied retroactively.

Section 28 U.S.C. 1292(b) provides that such an order may be entered when the court is of the opinion that “an immediate appeal from the order may materially advance the ultimate termination of the litigation.” This Court is not of such opinion in view of the present status of this case but agrees with plaintiffs that an intermediate appeal would delay, not expedite, its ultimate resolution. Motion denied.

SO ORDERED.

Dated: September 14, 2010
New York, NY


U.S.D.J.